



DEBRA BOWEN

CALIFORNIA SECRETARY OF STATE NEWS RELEASE

FOR IMMEDIATE RELEASE
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MEDIA ADVISORY

Secretary of State's Office to Hold Public Hearing to Determine Whether Vendor Sold Unauthorized Voting Machines to California Counties

WHAT: The Secretary of State's Office will conduct a public hearing to examine whether Election Systems & Software, Inc. (ES&S) sold unauthorized voting machines to as many as five California counties.

The ES&S AutoMARK Version 1.0, also known as Phase One, is an electronic ballot-marking device that a former Secretary of State certified for use in California in August 2005. Fourteen counties use the AutoMARK to comply with the Help America Vote Act (HAVA) requirement to provide at least one machine in each polling place so voters with disabilities can cast ballots independently. However, it appears ES&S sold nearly 1,000 AutoMARK Version 1.1 machines, also known as Phase Two, to five of those counties (Colusa, Marin, Merced, San Francisco and Solano) in 2006. ES&S failed to notify the Secretary of State of the Phase Two modifications before selling the machines.

Under California law, no voting system or part of a voting system may be changed or modified without written notice to, and authorization by, the Secretary of State. The Secretary of State must hold a public hearing before seeking any penalties against a vendor. Those penalties could include monetary damages up to \$10,000 per violation; a refund of all money paid by a county to the voting system manufacturer; decertification of the voting system in question; and prohibition of the manufacturer from doing any elections-related business in the state for up to three years.

For a full report of the evidence, as well as the hearing notice and agenda, go to http://www.sos.ca.gov/elections/elections_vs.htm.

WHEN: Monday, October 15, 2007
10:00 a.m.

WHERE: Secretary of State Building
Auditorium
1500 11th Street
Sacramento

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